C.F. 72.

192

Department of Land Revenue

OFFICE Of the Board of Revenue

STATION Madras.

No. 2379

Dated 28-10-25.

To whom sent	Date	Initial.
	Given for copying	
	Copied	
	Examined	
	Signed	
	Given for despatch	
	Despatched 31-10-25	
	Indexed 3.11.25	
Pages in the file	To be destroyed on*	

(SUBJECT.)

Salary Grant (S. Kanara) — Lt. ... — Permanent Pedagrees Grp — Head ... Assistant — Kanyalbin Rai — Salary ... Pahasaray Sinclair —

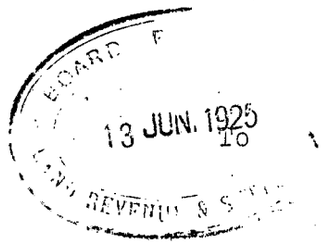
* Not to be noted in in the case of permanent records.

C C4042

Ref.C.No.2398-25-A1. South Kanara Collector's Office,
Mangalore, dated 8th June 1925.

From

G. W. Wells, Esq., M.A., I.C.S.,
Collector of South Kanara.



To

The Secretary to the Board,
Land Revenue and Settlement,
M a d r a s.

Sir,

Village officers - Uppinangady Taluk - Paduvannur and Badagannur group - Potail - Appointment - 2nd appeal - Koragappa alias Venkappa Rai - Submitted.

I submit herewith an appeal petition with its enclosures addressed to the Board of Revenue through me by Koragappa alias Venkappa Rai against my predecessor's order D.Dis.7199-24, dat 14-12-24 cancelling the appellant's appointment by the Divisional Officer, Puttur to the Potailship of Paduvannur and Badagannur and appointing Pakira Rai to the said post.

2. The vacancy was caused by the appointment of Kunhanna Rai the permanent Potail of this group to be the Potail of Bellipadi consequent on his accession to the ejamanship of the Bellipadi family after the death of the late ejaman Hukra alias ---- Narsinga Rai in September 1923. The appellant and respondent are both of them nephews of Kunhanna Rai referred to above, being sons of two sisters. The appellant was the man nominated by his uncle the present ejaman to succeed him as Potail of Paduvannur and Badagannur. The respondent also claimed the post on the -- ground of seniority in age, but his seniority was denied by the appellant and the present ejaman. Three geneological trees of the family prepared in connection with Kudtala (patta transfer)

(I) (III) 2 (V)

cases in 1915, 1918 and 1922 were produced by the appellant. These geneological trees showed the appellant to be senior in age to the respondent, and as he was also the nominee of the ejaman who according to custom in the family was alleged to have the right of nomination to the other Potailships held by this family which is the premier Bunt family in the district paying Land Revenue of over Rs. 12,500/- to the Government, the Divisional Officer appointed the appellant to the Potailship vacated by Kunhanna Rai.

3. The respondent filed an appeal to the Collector and in support of his claim of seniority in age produced

(1) an extract from the register of births of Ullal ---- village which recorded the birth of a male child to the respondent's father on 2-8-1878 in Ullal village, of which he was the Potail. p.41 of original at (IV)

(2) a horoscope which stated that Pakira Rai to whom it related was born to Potail Tyampa Shetty of Ullal Guthu and Pammunhi his wife on Friday the 19th day of Karkataka in the year Bahudhanya which corresponds to 2-8-1878. (G)

(3) certified extract from an old register of heirs of Village officers maintained in the Taluk office in which the names and ages of three heirs of Kunhanna Rai, Potail of ---- Paduvannur are shown in the year 1894. They are Aitha Rai aged 19 years, Pakira Rai (respondent) aged 18 years and ---- Venkappa Rai (appellant) aged 17 years. not submitted

(4) two geneological trees of the family prepared in --- connection with Kudtala cases in 1899 and 1900 in which the respondent was shown as older than the appellant by one year. (I) & (II)

On the strength of these documents produced by the respondent my predecessor held that the balance of evidence regarding -- seniority in age was in favour of the respondent and as this was the only point involved in this case, he reversed the --- Divisional Officer's order -- please see this office D. Dis. 7199-24, dated 14-12-24. (C) It was argued on behalf of the ---

appellant that Kunhanna Rai was the first member of the family to hold the Potailship of Paduvannur and Badagannur which ---- therefore being a self acquisition of Kunhanna Rai and not a family asset of the Bellipadi family as a whole, he had a right to dispose of to whomsoever he pleased from among his heirs. My predecessor disallowed this claim on the ground that a Potailship is a public office which cannot be bartered like a piece of real property.

4. In his appeal to the Board the appellant has attacked the trustworthiness of each and every one of the documents produced as evidence in favour of the respondent and relied on by my predecessor in his order quoted above. I shall deal with -- them in the order in which they are referred to in the appeal -- petition.

Jurisdiction Pp 10 & 11 C/r

5. The pedigrees of 1899 and 1900 are alleged to be unreliable as Ramappa Rai, who compiled them, was himself residing in Ananthadi at the time and was not in a position to know the correct ages of the numerous members scattered at the various -- houses of the family in different villages, and that in the ----- pedigree of 1915 signed by this Ramappa Rai himself, and by Dasa alias Gudda Rai who later succeeded him as ejaman, the appellant is shown as senior in age to the respondent and this relationship is maintained in the subsequent pedigrees of 1918 and 1922. My predecessor has held that these later pedigrees dating from 1915 were compiled at a time when the family was divided against itself and can have little weight against the old pedigrees which are supported by the respondent's horoscope and the birth ------ register.

(L) (III) & (V) (C)

Jurisdiction Pp 11-12 C/r

6. Coming next to the old register of heirs of 1894 maintained in the Taluk office, it is argued that the register is an unauthorised one as the Varis register proper (register of heirs) is to be maintained in the Divisional office and not in the Taluk office, that the register of 1894 produced from the Taluk office

contains no seal or signature of any officer and is therefore much open to suspicion. The register is without any seal or signature, but it has been produced from proper custody and is reported to have been maintained in obedience to Collector's Standing Order No.7 of 1892 a copy of which is enclosed. The Varis register proper no doubt has been prescribed to be maintained by the Divisional Officer, and the Varis register maintained under the rules in the Puttur Divisional Office shows that in 1895 only Aithappa Rai aged 18 years was registered as the heir of Kunhanna Rai, Potail of Paduvannur and the entry is supported by the order of the Divisional Officer on the Tahsildar's report on the written application of Kunhanna Rai. The Taluk register however in 1894 registers the names of three -- persons, Aithappa aged 19 years, Pakira aged 18 and Venkappa -- aged 17 as the heirs of Kunhanna Rai. It is not known at ---- whose request and on what authority the above entry was made. It conflicts with the entry in the Divisional office register.

p.124 (P) fn S.O. vide p 7 Ck. (A)

7. The birth register of Ullal village which contains the entry of the birth of a male child on 2-8-1878 to Potail Thyampu Shetty, the father of the respondent is challenged by the appellant on the ground that the register in question was not in the Taluk office, where it ought to have been but was -- produced from the house of the Ullal Potail after the Tahsildar had once given an endorsement, on an application for a certified extract, that the register had already been destroyed. The --- appellant also questions the genuineness of the register since produced, on the ground that it does not contain the seal or -- signature of any officer or even of the Potail himself. The Tahsildar of Mangalore, who was asked to explain these two points, reports that the first endorsement that the register had been destroyed was issued under that impression as the register was not in the Taluk records, but on a second application enquiry was made with the Potail of the village and the latter produced it along with several other old registers, and that a comparison of

(IV) para 11 p 12 Ck (R)

this register with other old registers of the period leaves no room for suspicion that the register in question is not a ---- genuine record. The Tahsildar's report in the matter is ---- enclosed.

para 12 p 13-14 cf.

8. The horoscope produced by the respondent also comes in for its share of criticism on the ground that the child --- Pakira Rai to whom it relates is stated therein to be the eldest son of Thimmappa Shetty of Ullal Guthu and of Pammunhi his wife, whereas as a matter of fact the respondent is the second son of his parents, the eldest being Sankappa. The pedigree of 1899 produced by the respondent shows that the children born to ----- Pammunhi were, in order of their birth, Shiddamma a girl then aged 27, Sankappa a boy at that time dead, Channamma a girl then aged 24 and then Pakira (the respondent) then aged 22. The respondent was therefore the second son. The reason why he was --- mentioned in the horoscope as the eldest son is not known except it be perhaps that the eldest boy Sankappa died in infancy before the respondent was born.

(i)

para 14 p 15 cf.

9. The appellant also relies on the alleged custom of the ejaman of the family nominating the holders of the other offices (Potailships) vested in the family, a custom recognised by ----- Mr. P. Narayana Menon when, as the Revenue Divisional Officer of Puttur, he had occasion to study the customary laws and usages regulating succession in the Bellipadi family about which he has --- left an able note. It is at pages 6 to 9 in Dis. file ------- 1156 D/Rev.17 of the Puttur Divisional office submitted herewith. The question, however, is whether when the ejaman nominates a ---- junior member to one of the other Potailships, his alleged right of nomination should be allowed to override the ordinary rules regulating appointments to village offices. The ejaman in the present case nominated the appellant to the Potailship of ---- Paduvannur vacated by him, partly because the appellant is his -- son-in-law, in addition to being his nephew, and partly also -----

(K)

because he was living in the family house at Padmale in Paduvannur while the respondent was living in another house of the family at Perne village. The respondent appears to be at variance with the ejaman of the family against whom he has filed a suit for --- maintenance. P49 (P)

10. In regard to the two errors alleged in para 15 and 16 of the appeal petition, it was not the respondent but his mother that the pedigree of 1899 states to have been residing at the time in Ullal village with Potail Thyampa Shetty (her husband). The petition of the appellant to the Tahsildar of Puttur requesting correction of certain ages shown in the pedigree related to the pedigree prepared in connection with the change of Kudtala (patta) consequent on the death of the late ejaman. The petitioner --- (appellant) complained in this petition that the ages of certain members of the family, left unfilled by the ejaman for entry after enquiry with the persons concerned, had been filled in unauthorised-ly and wrongly by the Shanbhogue himself, and prayed therefore that those entries might be corrected. The petitioner's request was refused by the Tahsildar. The pedigree referred to in this petition is not one of those produced in the present case. P16 (I) (Q)

11. All the connected records and registers noted in the *margin are herewith submitted.

* 1. Pedigrees dated
20-12-1899) Produced by the
6- 4-1900) respondent.

2. Horoscope on palm leaves produced by respondent.

3. Pedigrees dated
25-8-1915)
26-5-1918 and) Produced by appellant.
9-6-1922)

4. Five challan receipts for payment of assessment in 1924 produced by appellant.

5. Register of heirs of the Puttur Divisional office.

6. Register of births of Ullal village for period 1877-80.

7. Dis. 1156 D/Rev.17, dated 21-9-1917 of the Puttur Divisional office.

8. Records of P.R.3413/1894 relating to registration of Aithappa Rai (with certified copies of the same).

9. Dis.624 D/Rev.17, dated 8-6-17 of the Puttur Divisional office.

10. Dis.754 D/Rev.17, dated 29-6-17 of the Puttur Divisional office.

11. Dis.1419 D/Rev.17, dated 15-12-17 of the Puttur Divisional office.

12. Dis.24 R/Rev.24, dated 30-6-24.

13. This office D.Dis.7199-24, dated 14-12-24.

14. Petition dated 15-8-24 to the Tahsildar from the appellant for correction of entries of ages with Tahsildar's --- endorsement thereon.

Your obedient servant,

Collector. 10/6/25

10/6/25

K.N./9-6.

Enclosure.

Collector's Standing Order No. 7 of 1892.

Circular.

Under the Proceedings of the Board of Revenue No.4194/9 Mis. of 9th July 1892, the Collector's Standing Order No.1/91 is hereby cancelled.

1. Succession to village offices will, in future, be -- regulated on the principle set forth in the Collector's Standing Order No.7/83, namely, that the heir of the last permanent ---- incumbent is the man entitled to the post unless he is clearly unfit to hold it.

2. The Collector takes this opportunity of directing that a Register be opened in each Taluk in the annexed form showing --

8

the name and other description of the permanent incumbent of each post at present. One whole page should be left for each office to show the changes in the office-holders from time to time. If the register is carefully maintained, it will greatly facilitate the speedy and satisfactory disposal of claims to vacant village offices, which owing to the want of such a register at present, are made the subject of lengthy enquiries.

3. The Divisional Officers will note that the registry of heirs of village offices under the Primary School Examination --- rules is to be made in accordance with the principle laid down in para 1 supra, i.e., persons who claim an office through other than its present permanent incumbent are not to be registered.

24th August 1892.

V. A. BRODIE,
Ag. Collector.

Register of Village Servants.

1. Taluk.
2. Magane.
3. Tarf or Village.
4. Office (i.e., Shanbhogue or Potail).
5. Name of incumbent with house name, &c., if any.
6. Father's name.
7. Caste.
8. Age on date of appointment.
9. Date and No. of the order of appointment.
10. Whether the appointment is permanent or acting.
11. By what rights appointed.
12. Names with ages of the nearest heirs of the permanent incumbent and how related to him.
13. Date and reason of termination of appointment, (i.e., death, dismissal or resignation) with date and No. of orders, &c.
14. Remarks.

Note.--Ag. incumbents for a few days or months need not be entered in the register.

V. A. BRODIE,
Ag. Collector.

K.N./10-6. 10/6/25

COURT FEE INDIA TWO RUPEES

9

Through
The Collector of South Kanara
Mangalore

A1
C.no. 2398-25

BEFORE THE HONORABLE THE COMMISSIONER OF THE BOARD OF REVENUE

MADRAS.

18 MAR 1925 SOUTH KANARA, MANGALORE

Revenue (Potailship) Appeal No. of 1925

Between:

Koragappa alias Venkappa Rai, nephew of Kunhanna Rai, residing in Padavannur village, Uppinangudi Taluk, South Kanara. Appellant

And

Pakira Rai, nephew of Kunhannu Rai residing at Athrabail in Perne Village Uppinangudy Taluk, South Kanara. Respondent.

The Appellant abovenamed begs to prefer this appeal against the order of the Collector of South Kanara dated 14th December 1924 setting aside the order of the Puttur Revenue Divisional Officer dated 30th June 1924 on the following among other grounds:-

22 Cj.

1. The said order is against law and the weight of evidence.

(P) 2. The Puthur Revenue Divisional Officer after a careful consideration had appointed the Appellant for the permanent Potailship of Padavannur Village rendered vacant by the appointment of Appellant's uncle Kunhanna Rai to the Potailship of Bellipady village.

3. The Appellant had acted off and on as Potail of the said village for nearly 5 or 6 years. He is admittedly more qualified and eligible to the post than the Respondent, as the Appellant has also passed the Village Mannual Test while the

Respondent has not passed any of the Village Officer's Tests. The Appellant is further a member of the Kavu Village Panchayat Court and also a member of the Uppinangudy Taluk Temple Committee.

4. The Respondent is further not a resident of the Padavannur Village in question, he being a resident of Perne Village as may be seen from the reports of the Revenue Inspectorsof Puttur and Vitla Divisions dated 26th August 1915 and 2nd January 1924. The Respondent has himself admitted this fact in his Plaint in O. S. No. 56 of 1923 (A copy of which was produced in this case.

Mp 49-53 (P)

5. The Collectoris wrong in ignoring all the above considerations and basing his decision in favor of the Respondent solely on the ground of the relative ages of the parties.

6. The sole reason for the Collector's present order is that he holds that the Respondent is senior in age to the Appellant by one year.

(C)

7. This is clearly against the finding of the Revenue Divisional Officer.

(IV) (G)

8. The Collector bases his finding on (i) a Birth Register (2) A Horoscope and (3) a Pedigree of 1899 The last two documents were for the first time pro duced before the Collector at the time of the Appeal They were neither produced nor relied upon by the Respondent either before the Tahsildar or before the Revenue Divisional Officer. As they were sprung

(i)

as a surprise at the time of the hearing of the appeal, it was only fair that they should not have been allowed by the Collector to be admitted in appeal before him at that late stage. The Appellant should at least have been given an opportunity to rebut these documents which are highly suspicious and un reliable.

9 Even as they are, these documents cannot prevail against the undoubted pedigrees produced by the Appellant proving that he is older in age than the Respondent. The pedigree of 1899 produced inappeal (i) by the Respondent is only signed by Ramappa Rai, the Ejman of the Bellipady family when he sought the transfer of Kudthala in his name Ramappa Rai was concerned only about himself and hisown age and not about the ages of the numerous members of the vast Bellipady family who numbered over 150. Further that Ramappa Rai was not in a position to know the ages of several of the members of the family who were living in far off villages. Ramappa Rai was himself living in Ananthadi Village more than 22 miles from Padumale That this Pedigree is not of much avail is evident (L) from the fact that in 1915 Ramappa Rai as Potail had submitted a pedigree of the family signed by himself and Dasa Rai wherein the Appellant's age is 36 and the Respondent's is 35. No weight could possibly be attached therefor to the belated pedigree forwarded by the Respondent, nor has it been signed or admitted by any of the other members of the family.

10. Next the Collector relies upon a Varis Register of 1894
not Submitted

relating to the birth of 1878 in Ullal Village. On the first application the Tahsildar distinctly stated that the birth register in the Taluk Office had been destroyed and no copy hence could be granted. The Respondent again applied representing to the Tahsildar that the Register was with the Ulal Potail. Thereupon the Tahsildar sent for the Register from the Ullal Potail and it was ultimately sent to the Collector during the time of the hearing of the appeal. This Register bears no signature of the Potail or of any other official. When the BirthRegisters have always to be in the Taluk Office, the conduct of the Respondent in moving the Tahsildar a second time to send for the Register from the Ullal Potail shows how highly suspi ciousthis Birth Register was. Even however taking the entry in the said Register as genuine it does not prove that the Respondent was the child the referred to in the extract as being born in 1878. It only says one male child to Thyamputr Shetty. It is not shown who this Thyamput Shetty was. The Collector was wrong in relying upon this highly doubtful Register which has been signed by nobody, neither maintained by the family members of the family of the present Potail. Therefore it cannotbe said that it was produced from lawful custody as required by the Evidence Act.

(G) 12. The Collector next relies upon an Horoscope produced by the Respondent during the hearing of the Appeal. This Horoscope refers to the birth of the eldest child born to Thimmappa Shetty. It has not been proved who this Thimmappa Shetty is. Besides the Respondent

is not the eldest child of his father, the eldest child being one Sankappa. This Horoscope even if genuine and true does not prove that the child referred to therein is the Respondent. Besides such horoscopes are very easily got up. If the Respondent had really any such horoscope and he relied upon it he would have produced it before the Tahsildar or the Divisional Officer and not waited to produce it at the time of the hearing of the appeal before the Collector. The sole document relied upon by the Appellant in the Court below was the Varis Register and not the horoscope or the Pedigrees now produced. (G) Besides this the horoscope gives the date of birth as 2nd August 1878. If the Respondent was born in 1878 he would have been only 16 in 1894 the date of the aforesaid Varis Register. But the date given in the Varis Register of the Respondent is 18 and not 16. (L) If the Pedigree of 1915 is seen the age of the Respondent is shown therein as 35 years whilst according to the Varis Register it ought to have been 37 years A comparison of the several dates given in the horoscope with that given in the Pedigree will show that they cannot be reconciled and the Collector has gone wrong in holding that the documents prove that the Respondent is senior to the Appellant. Further the horoscope refers to the child of Thimmappa Shetty while the Birth Register of Ullal refers to the child of Thyampanna Shetty. This discrepancy in the two names of the fathers is also irreconcilable. (L) (iii) & (V)

13. The three Pedigrees produced by the Appellant and

upheld by the Divisional Officer of 1915, 1918 and 1922 conclusively prove that the Appellant is senior in age to the Respondent. The Collector for no good reason rejected these genuine pedigrees and preferred the aforesaid suspicious documents produced by the Respondent. These pedigrees were ante litem motem.

14. In deciding this appeal the Collector has overlooked the important fact that in this large and well known Bellipady family, four Potailships have always been allowed as belonging to the Bellipadi Family and for all these four Potailships the Ejaman is allowed to nominate. In this connection the Board may be pleased to send for and peruse the report made by the then Divisional Officer Mr. Narayana Menon (Office No.Dis 1156 D./Rev.17). This report has been always acted upon by the Collector of this District hitherto in making the four Potailships appointments. The Ejamans nominee was the Appellant and he had recommended that he should be appointed giving valid reasons and objec tions for not recommending the Respondent. The Collector has altogether ignored the practice hitherto followed and has rejected for no reason the Ejaman's recommendation and has thereby discarded the claims of the Ejaman to recommend a suitable person in the fami family to the post. The Collector has erred in creat ing a new prededent by setting asidethe well recognised custom followed hitherto in the appointment of these Potailships.

(K)

As unnecessary injustice has been done by the Collector's order it is prayed that the Honorable Board may be pleased to consider all the above facts to call for the necessary records filed in the Lower

Court and to set aside the Collector's order and direct the appointment of the Appellant to the Potailship by restoring the Revenue Divisional Officer's order.

15. The Collector erred in holding that the Pedigree of 1899 further states that the Respondent was residing with Potail Thyampa Shetty in Ullal.

(i) The Pedigree of 1899 showsthat the Respondent No. 63 in the Pedigree was not living at Ullal but at Padumale in Uppinangudi Taluk.

16. The Collector erred also in holding that the

(q) Appellant in certain Kudthala proceedings has asked the Tahsildar to correct the last pedigree of 9th June 1922 which differs from all pedigrees This is quite against the facts. The Petition referred to by the Collector is a petition by the Appellant that the Biliyaru Shanboghu with out consulting the members had drawn up his own list of Pedigree and that therefore it ought to be set aside after consulting the other members of the family. Both the Petition -p26 C, and the Tahsildar's order F. Dis. P.R. 995/1924 have been en closedherewith. p28 C

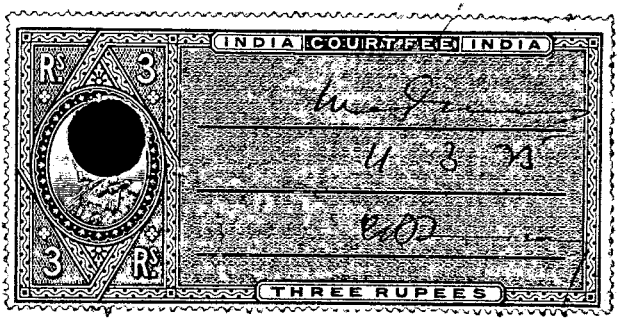
It is also necessary in the interests of justice the Board should call for the follow ing record from the Kasercode Taluk Office which clearly show that Aithappa Rai had not come up to age in 1894 and that he was 18 in 1895 and that he could be admitted in the Varis Regis ter.

B. L. N. RAI,
B. A., M. L.,
Advocate.

18

'Kudsia'
Chetpet, Madras,

12th March 1925.



Memo of Appearance.

To

The Hon'ble the Board of Revenue,
Madras

Through

The Collector of South Kanara
Mangalore.

Please enter my appearance on behalf of the Appellant Koragappa alias Venkappa Rai in Rev. App No... of 1925 against the order of the Collector of South Kanara dated 14-12-24.

B. N. Rai.
Counsel for Appellant

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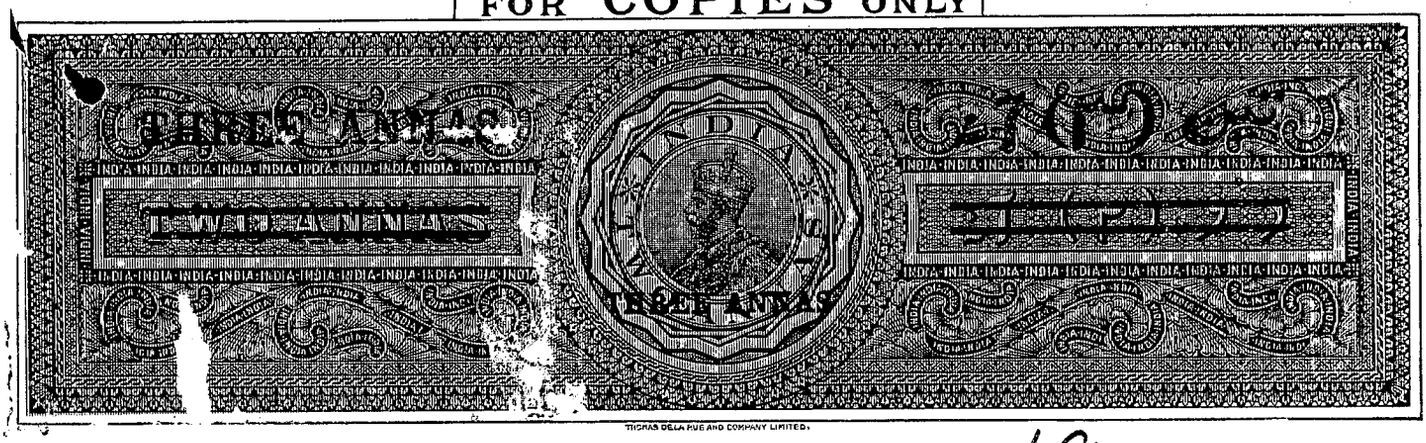

19

R. Dr. No. 24/24. Rw

Proceedings of the Revenue Divisional Officer, Cuttur Division.

Cuttur, dated 30. 6. 1926.

M. R. Ry K. N. Chojikutti Avl. B.A.

Village Officers - Potail - Bellipady and Padvanmur Groups - Resignation - Appointments -

Read the recommendation rolls submitted by the Tahsildar of Uppinangady.

Province (P)

Heard M. R. Ry B. Rama Rao on behalf of M. R. Ry B. Kunhanna Rai and M. R. Ry T. Pundarik Bhat on behalf of B. Rama Rai in respect of potailship of Bellipadi group and M. R. Ry M. Shiva Rao on behalf of Oakira Rai and M. R. Ry B. Rama Rao on behalf of Koragappa alias Venkappa Rai, and Kunhanna Rai, Timmappa Rai and Santhappa Rai in person.

Order.

The potailship of Bellipady group and Padvanmur group has fallen vacant.

2. Both posts vest in the Bellipady family. The late Ejaman Hukra alias Narsinga Rai who was the potail of Bellipadu group died on 1. 9. 23. The present Ejaman is Kunhanna

163 words
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1653

28/2
8/3
27/3

Vakil B. Rama Rao

DISTRICT COURT OF SOUTH KANARA.

Application made ____ 18
Stamp papers called for ____ 19
Stamp papers deposited ____ 19
Copy ready ____ 19
Copy delivered ____ 19

Superintendent.

DEPUTY COLLECTOR & DISTRICT MAGISTRATE SOUTH KANARA

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Rai. He was the Patail of Padvannur group which he resegned on his accession to the Ejamanship.

3 There are two applicants for the Patailship of Bellipady group. One is the present Ejaman Kunhanna Rai and the other Ramanna Rai who is the next in Seneority to the Ejaman. Bellipadi being the seat of the Ejaman the patailship of this group is usually held by the Ejaman and this arrangement has been recognised in connection with the appointment of the late Ejaman Hukka alias Narsinga Rai. I accordingly appoint the present Ejaman Kunhanna Rai as Patail of Bellipadi group.

4 As regards the other Vacancy there are 5 applicants - Viz, Pakira Rai (2) Koragappa alias Venkappa Rai (3) Kunhanna Rai (4) Timmappa Rai and (5) B. Santappa Rai. No. 5 is a stranger having no special claim to the post. The rest belong to Bellipadi family, but nos (3) & (4) are admittedly juniors to nos (1) & (2). The actual Choice therefore lies between nos (1) & (2). Each claims to be the senior in age to the other - but the balance of evidence

185 words
D.P.S

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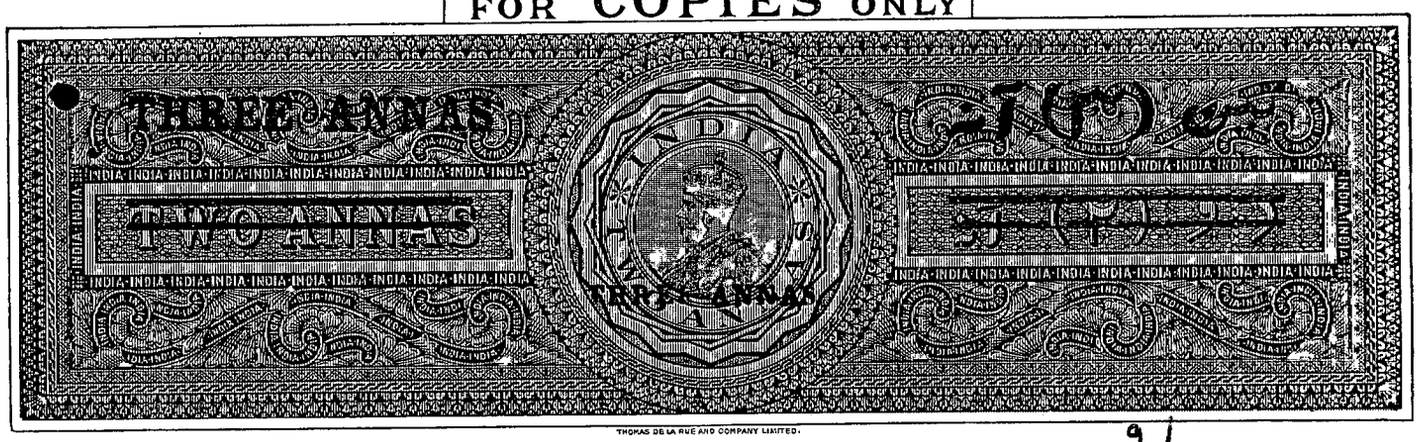

2/

es clearly in favour of No (2). He is also the nominee of the Tyagam and better qualified than No (1). I therefore appoint No (2) Karagappa alias Venkappa Rau as Patail of Paduvammur group. He will be on probation for 2 years within which he should pass the remaining test viz Village Sanitation.

/Signed/ K. N. Chowdiah
30. 6. 24.
Rev. Divl. officer.

/True Copy/ on three sheets/

64.

279/21 8. 7. 24.

12. 7. 24.

12-7-24

12-7-24

Manager
Head clerk
Outturn Dt office

Rao

Copied by D. Rao.

Compared by Rao

words 412.

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22

Proceedings of the Collector of South Kanara &
dated 14th December 1924.

Present- C.A. Souter Esqr. I.C.S.

Subject- Village officers - Uppinangady Taluk
Padivannur village - Patail - Appointment
Appeal - Pakira Rai - Orders passed.

Read (1) petition dated 24-7-1924 from Pakira
Rai nephew of Kunhanna Rai residing
in Padivannur village Uppinangady &
Taluk (2) Puttur Divisional officer's L.
Dis C.C. No 779-Rev. 24 dated 8-9-24 and
(3) all the connected record.

Heard:- Vakils Mr. B. Mahabala Hegde B.A
B.L for the appellant and Messrs A.J. Lobo
B.A. B.L and Mr. A.M. Ray Bar-at-Law
on behalf of the respondent Koraga alias
Venkappa Rai

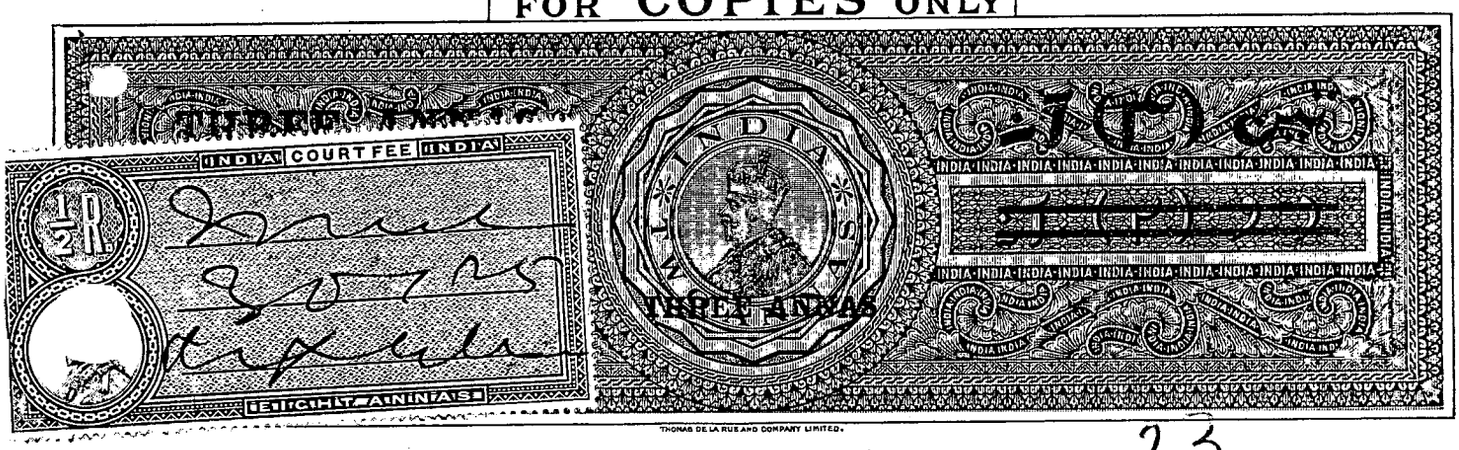
Order

In this appeal the main point argued was
the respective ages of the Appellant and the
Respondent. The lower Court has held on
the strength of pedigrees compiled in the
years 1915-1918- and 1922 and produced
by Respondent that Respondent is the elder

59

1 ditto

FOR COPIES ONLY



23

Appellant produced certain other pedigrees to prove that he is the elder. I will discuss the latter first.

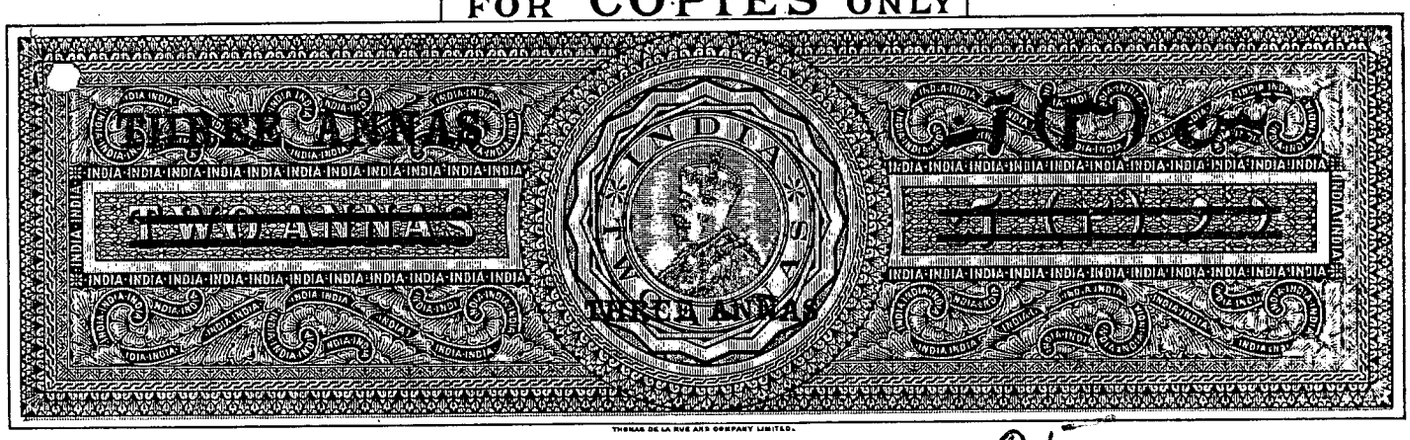
The first pedigree is dated 20. December 1899 and is certified by the then Ejaman of the family. The Appellants' age is there given as 22 and Respondents as 21. The next pedigree is dated 6-4-1900. In it the same Ejaman certifies that Appellant was 23 and Respondent 22. The pedigree of 1899 further states that Appellant was residing with Potail Iyampu Shetty in Ullal and that he had a senior brother who was dead. The pedigree of 1900 states that Appellant was then living in Paduvannur village with which the present Appeal is concerned. Further evidence regarding Appellants' age is given in the Varis Register of the Taluk office. This old register although it is not authenticated by any Taluk office seal was maintained under the Collectors orders. It gives Appellants' age as 18 in 1894 and Respondents' age as 17. A

(i)

(ii)

(ii)

FOR COPIES ONLY



divided against itself can have little weight against the old pedigrees which are supported by an unquestioned horoscope which is confirmed by an old birth register.

In the result therefore I hold that Appellant is one year older than Respondent and therefore that according to the family custom is entitled to the Patailship in preference to the Respondent. Respondent in this Appeal for the first time urges the claim that the Patailship of Kadiravanmur is not a family asset of the Bellipadi family but is a self acquisition of Kunhanna Rai who therefore had the right to nominate his successor. I cannot entertain this claim for one moment. A Patailship is not a personal property like land but is a public office conferred by government. It cannot be bartered like a piece of real property.

In the result I cancel the Lower courts order and appoint Appellant Pakira Rai as Patail of Kadiravanmur village.

14-12-24 (Sd) C. A. Souter

Collector

162 669

No 7020

17 4 25

Application No. 4/25 made by
Mr. A.J. Lobo on — 7-1-25
Stamp papers produced on do
Copy ready on — 20-1-25
Copy delivered on 20-1-25

Copied by me
Words 669

Compared by
Lobo

Errors ~~& less~~ only
(True copy)
(on four sheets)

Hussain
Dy. Collector

S.KANARA COLLR'S OFFICE
No.
12 JUN 1925

BOARD OF REVENUE
15 JUN. 1925
LAND REVENUE & SETTLEMENT

To

The Secretary to the Board of Revenue,
Land Revenue and Settlement,
M a d r a s.

Thro'

The Collector of South Kanara.

Between

Koraga alias Venkappa Rai, nephew of Kunhanna Rai of Padavannur village, Uppinangadi Taluk. ... Appellant.

and

Pakira Rai, nephew of Kunhanna Rai, Potail of Padavannur and Badagannur villages, Uppinangadi Taluk. ... Respondent.

Potailship - Appeal - South Kanara.

The Respondent begs to submit the following facts in connection with the appeal now pending before the Hon'ble Board.

1. That he was not enquired into and evidence taken on his behalf in connection with the appeal in which, the Respondent understands, that the Appellant has made all sorts of false, malicious and vexatious allegations against him.

2. The then Ejman of the family Kunhanna Rai died on 30-5-25 and one Perne Ramanna Rai is the present Ejman of the family.

3. That the Respondent's seniority has been admitted by the present Ejman. The Respondent is managing the affairs of the family in the "Padmale" house in Padavannur and even the Appellant has acquiesced in the same.

4. The late Ejman Kunhanna Rai's daughter had been married to the Appellant and therefore he concocted certain records --- with the dishonest motive of getting the Potailship for the -- Appellant who is his nephew and also son-in-law.

5. The Respondent therefore prays that a thorough enquiry may be held and the present Ejman examined in connection with the appeal.

x B Subramaniam
11-6-25

Ref C 2398.25-A1
Submitted to the Secretary to
the Board of Revenue Land Revenue
Madras in continuation of my
letter Ref C No 2398.25-A1 dated
8.6.1925 submitting second appeal
of Korega alias Venkappa Rai
re appointment to Potailship of
Padavannur & Bodagannur villages.

13/6/25

Collector

12.6.25 — 12.6.25

To ren... on 4.11.25.

45

Village Officer (S. Kanara) Uppinangady Taluk – Padavannur and Badagannur Villages. Headman Venkappa Rai ... Appointment – Second Appeal

p. 1 cf
C 4042
p. 4025
C. 4075/25

Ref. C. 4075-'25-1
4-9-'25.

p. 11 cf. In para 8 of the appeal petition, the Appellant contends that the Collector has based his finding on (1) Birth register (2) Horoscope and (3) A pedigree of 1899 and that the latter two documents were neither produced nor relied on by the respondent either before the Jahn or before the R.D.O. The Collector is requested to report at an early date whether the appellant's contentions are correct

Dy
3/9

Dy
7.9.25

The Collr S. Kanara Dy Cs as
with Endorse records.
± appeal petition, Encl Letter.
pp. 1 to 44 cf.

Issue
Dy
4.9.25

Deputy.
P.L. asks for records.
Dy
4/9/25

46 C6448

Ref.C.No.2398-25.

South Kanara Collector's Office,
Mangalore, 19th September 1925.

BOARD OF REVENUE
23 SEP. 1925
From
LAND REVENUE & SETTLEMENT

Stamp Note.
Stamps punched.
A refund certificate will be issued in respect of unused C.F. stamps of the aggregate value of Rs.8/- only.

G. W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue and Settlement,
Madras.

Sir,

p. 45 cf.

Your Reference No. C.4075-25-1, dated 4th September 1925.

Village Officers - Uppinangadi Taluk - Padavannur and --- Badagannur villages - Headman - Venkappa Rai - appointment ----- second appeal.

The Collector's finding in favour of the respondent on the point of seniority appears to have been based on the birth register, (IV) the horoscope and the pedigree of 1899 (I) and also on the old varis register (register of heirs) maintained in the Taluk Office.

* Kept separately below

2. It is true that the horoscope and the pedigree of 1899 were produced only before the Collector in appeal and not at any ------ earlier stage before the Tahsildar or the Revenue Divisional ----- Officer. It must be observed, however, that the Tahsildar in his recommendation roll had recommended the respondent as the senior relying on the varis register referred to above which showed the names and ages of the heirs of Kunhanna Rai, the last holder of the office. There was no necessity therefore for the respondent to adduce further evidence and this necessity arose only after -- the Divisional Officer gave the appointment to the appellant.

p 120 (P)

3. The certified copy of the pedigree of 1899 was applied --- for by the respondent only after his appeal had been filed before the Collector and it was produced along with the horoscope in --- support of the birth register, at the time of hearing of the ---- appeal.

4. All the records received with your reference are herewith

47

resubmitted.

Your obedient servant,

Le Hunte

For Collector.

T.M.D./A.21.9.25.

WCS 21.9.25

21 SEP 1925

T. APPAJI ROW, B.A., B.L.,
HIGH COURT VAKIL.

46, VAKILS' CHAMBERS,
HIGH COURT BUILDINGS.

"Samba Vilas" MYLAPORE,

48 Dated 14th October 1925.

To,

The Secretary to the Commissioner,

The BOARD OF REVENUE, CHEPAUK,
Land Revenue,
M A D R A S.

C 7247.

Stamp on vakalat purchased 27/10/25.

In the matter of the Potel-ship of PADAVANNUR-BADAGANNUR,

Uppinangady Taluq, South Kanara District.

Koraga alias Venkappa Rai . . . . . Appellant.

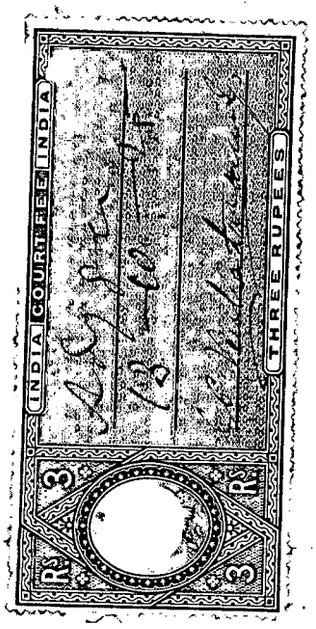
Fakiri Rai . . . . . Respondent.

Sir,

I have the honour to inform you that I have just received a Vakalat from the Respondent Fakiri Rai, which is filed herewith and to request you to be so good as to give me one week's time to get the necessary instructions and papers in the matter for filing a counter to the Petition filed in appeal by the said Koraga alias Venkappa Rai. I may be permitted to add that the papers in this matter may be kept ponding for a week and disposed of after the counter on behalf of Fakiri Rai is filed.

P. 49 cf

I have the honour to be,
Sir,
Your most obedient servant,
J. Appaji Row.



49

(1908ನೇ ಇಸವಿ Vನೇ ಆಕ್ಟಿನ IIIನೇ ಆರ್ಡರಿನ 4ನೇ ಕಲಂ ಪ್ರಕಾರ).

ವಕಾಲತ್‌ನಾಮೆ.

ಕಡೆ

ಬಹುಮಾನಪಟ್ಟ ಹೈ ಕೋರ್ಟ್ ವಕೀಲ್

ದಕ್ಷಿಣ ಕನ್ನಡಾ ಜಿಲ್ಲಾ ಕೋರ್ಟಿನಲ್ಲಿ.

ನಂಬರು 1925.

ಸಂ 1925 ನೇ ಇಸವಿ ತಾರೀಕು ರಲ್ಲಿ

ಬರಿಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮೆ.

ಮೇಲ್ಕಂಡ ವ್ಯವಹರಣೆಯಲ್ಲಿ ನ ಕಡೆಯಿಂದ ಹಾಜರಾಗಿ ಅದರಲ್ಲಿ ವ್ಯವಹರಿಸುವರೆಯೂ ಮತ್ತು ಅದರಲ್ಲಿ ಕೊಡೋಣಾದ ಯಾ ಕೊಡೋಣಾಗುವ ಯಾವದೊಂದು ಡಿಕ್ರಿಯ ಯಾ ಹುಕುಮಿನ ಅಮಲ್ ಜಾರಿ ಅರ್ಜಿ ಸಮ್ಮಂಧ ನಡಿಸೋಣಾಗುವ ಯಾವತ್ತು ವ್ಯವಹರಣೆಗಳನ್ನು ನಡಿಸುವರೆಯೂ ಮತ್ತು ಮೇಲಿನ ಯಾವತ್ತು ವ್ಯವಹರಣೆಗಳಲ್ಲಿ ಕೋರ್ಟನವರಿಂದ ಕೊಡೋಣಾದ ಎಲ್ಲಾ ಡಿಕ್ರಿಗಳು ಯಾ ಹುಕುಂಗಳು ಪೂರ್ಣ ಸಮಾಧಾನ ಯಾ ರಾಜಿಯಿಂದ ತೀರ್ಮಾನ ಆಗುವ ವರೇಗೆ ಯಾವತ್ತು ಮಿಸಲೇನಿಯಸ್ ವ್ಯವಹರಣೆಗಳಲ್ಲಿ ನ ಬಗ್ಗೆ ಹಾಜರಾಗಿ ವ್ಯವಹರಿಸುವರೆಯೂ ಮತ್ತು ಕೋರ್ಟಿನಲ್ಲಿ ನ ಕಡೆಯಿಂದ ಹಾಜರಾದ ದಸ್ತಾವೇಜುಗಳನ್ನು ವಾಪಸ್ ಪಡಕೊಳ್ಳುವರೆಯೂ ವ ಸದರಿ ವ್ಯಾಜ್ಯ ಯಾ ವ್ಯವಹರಣೆಯಲ್ಲಿ ನ ನ ಗೆ ಬರತಕ್ಕ ಹಣಗಳನ್ನು ಪಡಕೊಳ್ಳುವರೆಯೂ ನಿಮಗೆ ನ ಬಗ್ಗೆ ವಕೀಲರಾಗಿ ನೇಮಿಸಿ ಈ ಮೂಲಕ ಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟದ್ದೇ ಎಂತ ನ ಕೈವಪ್ಪಿತ ಹಾಕಿ ಬರಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮೆ.

192.

ADDRESS FOR SERVICE OF THE SAID VAKIL IS

ಈ ವಕಾಲತು ಬರಕೊಂಡ ಮೇಲೆ ಹೆಸರು ಕಾಣಿಸಿದವ ಇದನ್ನು ದಸ್ಕತು ಮಾಡಿ ನನ್ನ ಮುಂದೆ ಒಪ್ಪಿರುತ್ತಾ.

ತಾರೀಕು 192

K Sadasiva Adiga
Municipal Councilor
Mangalore
10 10 25

Pleader.

51

Village Offices (S. Kanara). Uppinangady Taluk — Puduvannur Badagannur Amsa — Headman — Appointment — Kenagappa Rai — Second Appeal — Rehearing directed.

C 4042
Enclt 790d 25-2-25
4075
Ref 4075-25-1 d 4-9-25
6448
C.7297 ——— G, B, Q.

Rev. Misc. 2379/25

In para 8 of the grounds of Second Appeal the Appellant contends that the Collector based his order mainly on two documents (viz the horoscope and a pedigree of 1899) ~~Among others~~ which the ~~Appellant~~ were not produced before the Rev. Divl Officer and which the Appellant had not the opportunity to criticize The ~~Board Considers that the Contention is well-~~ contention appears to be founded ~~And Accordingly sets aside the Collectors~~ Appellate order d 14.10.24, Appointing ~~Pattisa~~ Rai, the respondent before the Board, to the ~~patelship of Puduvannur and Badagannur Amsa~~ The Board therefore ~~And~~ remits the Case to the Collector for rehearing and disposal after giving notice to the parties and allowing them free opportunity to produce all their evidence and to Comment thereon

It seems unnecessary to add this - WBS

To The Collr of S Kanara with records ~~& papers certified~~.
The Appellant & his ~~Advocate~~ with duplicate petition
The Respondent & his ~~Advocate~~ Vakil

Dasp 5.
Pd. order for
Vakil
received
28/10/25.

Issue
WBS
27/10

Issue
28/10

C.F. 305 D—4,700—24-1-18.

No.

CERTIFICATE.

I hereby certify that court-fee ~~stamp~~ stamps of the value of Rs. 8-0-0 (Eight rupees only), affixed to petition document in ~~petition case~~ No. C. 6448 of 1925 ~~is~~ are in excess of the legal requirements and ~~has~~ have been unnecessarily affixed and that Koragappa alias Venkappa Rai of — hamlet, Padavanmer & Badagannur village, group, Uppinangadi taluk, is therefore entitled to receive back the sum of Rs. 7-8-0 (Seven rupees & eight annas only) within ~~thirty~~ ninety days from the date of this certificate from the Treasury at Uppinangadi. (S. Kanara Dt).

[O.C.]

hr
26/10

Office Board of Revenue, Land Rev. Deptt. Name

Dated 10-3-25. Designation for Secretary.

To

Koragappa alias Venkappa Rai,
Padavanmer & Badagannur group,
Uppinangadi Ht,
S. Kanara Dt.

Rs. 8-0-0 hr 10-3-25
23/10/25.

No.

ADVICE.

To

The Sub-Treasury Officer,
Uppinangadi (S. Kanara Dt.)

A certificate has this day been issued to the following individual for the refund of the value of excess court-fee stamps affixed to his petition document.

Stamps note at P. 40 ft.

Taluk Uppinangadi.

Hamlet

Village Padavanmer and Badagannur group

Name of the party Koragappa alias Venkappa Rai.

Date of presentation of petition or document. 23-9-25

The value of excess court-fee stamps affixed. Rs. 8/- (Eight rupees only).

Amount to be refunde Rs. 7-8-0. (Seven rupees and eight annas only).

Remarks

[O.C.] hr
26/10

5-3

Office Board of Revenue Land Rev. & Deptt. Name

Dated —10-3-25. Designation For Secretary

Rs. 8-0-0 hr 10-3-25

Village Officers - (S Kanara) Uppinangadi Thsl

55 - Padavannur & Badagannur villages - Headman-

Appointment. Second appeal

C 4042

To Special 1. Non-hereditary and Non-statutory.

2. A second appeal is allowed under B.S.O. 186 para 8. The appeal is within time.

p 331 Vol I B.S.O

3. The Collr's. letter pp.1-6 c.f. explains the relevant facts. The appeal relates to the headmanship of Padavannur and Badagannur group, Uppinangadi taluk, South Kanara Dt. The vacancy arose on the resignation of his appointment by Kunhanna Rai the permanent Potail who was appointed the Potal of Ballipadu group. Both the respondent and the appellant are Kunhanna Rai's nephews, being the sons of two of his sisters. According to Alyasantana law the last owner's sons are excluded and succession goes to the sister's sons. The only point at issue which is the elder of the two. The R.D.O. appointed the Bd's. appellant for 3 reasons (1) seniority (2) nomination by the Ejaman and (3) better educational qualification. On appeal the Collr. reversed the R.D.O's. order and appointed the Board's respondent. The R.D.O's. nominee accordingly appeals.

pp 157-158 of Di 24 R 30624 (P)

p 43 of Di 7199-24 14.12.24 (C)

Before the R.D.O Tahr. only two pieces of evidence seem to have been produced. (1) the Taluk heirship register and the Genealogical table put in connection with the Kudtala case 826/1327. If the Tk. Vari Register is to be relied on the Bd's. respondent will have the

(III)

preferential title. There are however certain points to be considered regarding the Register. The proper register should have been maintained in the R.D.O's. office . To this it is replied that it was maintained in the Tk. Office under the Collr's. order No.7, dated 24-8-92, secondly it is unauthenticated. Against this the Register kept at R.D.O's. office does not mention the name of either presumably because both the contending claimants ~~documents~~ were under 18. Only major heirs were to be shown in the Register. It seems best not to rely on the Tk.Vari Register. The R.D.O's. register does not help either parties. It only mentions Aithappa the elder brother of the appellant. He died subsequently.

Hp 106 + 124 2(P)

× heirship

(A)

The next piece of evidence is a copy of the genealogical table (of 1918). This pedigree was given by the previous ajman of the family a predecessor of Mukra Rai. The R.D.O. relied on this and coupled with the nomination by the Ejman appointed the Bd's. appellant. The Collr. disbelieved the Register and was of the opinion that no weight could be attached to the pedigree of 1918 and to two others of 1915 and 1922 when the family feuds had already arisen. It is true they were however previous to the present dispute about the succession.

p 44 of (C)

(V) + (L)

The nomination by the Ejman need not be entirely rejected as has been

p 45 of (C)

done by the Collr. If may be taken to show which way the wind blows in favour of the Board's appellant.

In para. 8 the appellant contends that documents were not let in evidence before the Lower Court Viz. (1) Horoscope and (2) a Pedigree of 1899. If this is correct, the appellate order should not have been based on them. The proper course would have been to reject the exhibits. After all Horoscopes are of doubtful value ~~ambiguous nature~~. The author of the pedigree is the previous Ejman of the family who has given contradictory ages of the parties although those may be rejected. Ramappa Rai in one case has stated the ages of

	R.	A.
	22	& 21
and in the other	35	36

Birth Register seems to be of doubtful value. It is not signed. Next it only shows that a male child was born to Thyampu Shetty. The names of the parties are a matter of conjecture. It may refer to the appellant or respondent. It therefore ~~xxxx~~ cuts both ways.

In para. 4 of the appeal petition it is urged that the respondent is a non-resident - a fact admitted by the party in the plaint in O.S. 56/23. This objection is not serious and his appointment can be made conditional on taking up residence in the village.

On the evidence available before the R.D.O., the Bd's. appellant seems to have a good case. The Collr.

p 10-11 cf.

(I) Ask for a specific report about this point. 1st 28/F.

Besides the Horoscope is in conflict with the Tk Vari Register. Accordeng. to the former the Respondent was born 28.1878. He should be only 16 in 1894, the date of the Vari Register. The latter however Exhibits the age as 18. The horoscope date on the other hand does not agree with the pedigree produced by the Appellant —

(L)

(IV)

p 10 cf. p 53 of (P)

seems to be in error in basing his decision on documents not produced before the R.D.O.

To conclude, however, the Bd. should deem fit not to reverse the Collr's. order, the case may be remanded for disposal and parties given opportunity to adduce all the evidences available.

For orders

AS

28/8/25

To Asst Secy

Draft: Submitted

Jn
31/9

28/8/25

C 6448 Ref from the Collector of S. Kanara p 46-47 Cf

To Asst Secretary

Please see the Board's Ref at p 45 Cf.

M2

AS

And the Collector's reply at 46-47 Cf.

The Appellant's Contention appears to be correct. The Colln Statis. that the horoscope and the pedigree of (1) 1894 were produced only before the Colln and the Colln finding was based on these exhibits and also on birth register (iv) the Tk Vari register. What weight can be attached to these documents has already been discussed at pp 1-3 n.f. Supra.

Forwarded

Jn
30/9/25

Secy It seems desirable to remit the case for fresh disposal by the Colr after notice to both parties after perusing all the documents produced by both the parties: As it is it has been made out that the Colr's order based as it was on

among others
on two documents, which the appellant had
in the chance to criticise. It is not easy to
find in cases like this which side is
more truthful. To allow the plea without
further enquiry may be prejudging the
Respts case. The Collr may be asked to hold a
fresh enquiry & dispose of it.

Jn
12/10

I agree
Lwj
13/10

pn
16.10

Jrs
19.10.25

S
A.S

To Asst Secretary

Draft Submitted

Jn
26/10

Lwj
27/10

A.S.

pp. 48-49 cf.
p. 48 cf.

The vakil for the respondent has filed a vakalath and prays for one weeks' time. It is submitted that the draft below, which has been approved by Sec'y may issue and a copy of the P.P. may be sent to the Vakil for the respondent also as he has filed a vakalath.

Jn
29/10

Jrs
27.10.25